

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1-4, 8-10 and 12-13 are rejected under 35 U.S.C. 103(e) over the patent to Yi, et al.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as the previous claims, and further in view of the U.S. published patent application to Menon. Claims 6 and 7 are rejected under 35 U.S.C. 103 as the ever mentioned claims, and further in view of the U.S. patent to Hirschenhofer.

Also, the Examiner indicated that claims 14 and 15 were directed to an independent invention which is different from the claimed invention.

In connection with the Examiner's comments to claim 14, it is respectfully submitted that claim 14 defines the fuel cell device containing at least two fuel cell elements including a first fuel cell element having a high power and a second fuel element having a low power. It is therefore believed that this is a subgroup of the fuel device of claim 1, comprising the fuel cell unit including at least two fuel cell elements. Therefore, the

device defined in claim 14 is not independent from the fuel cell device defined in claim 1. Furthermore, the fuel cell device defined in claim 14 is a part of the same classification of the invention and does not require any search in a different field of search. Therefore, it is believed that there is no reason why claim 14 is withdrawn from consideration. It is requested to consider claim 14 as well.

The Examiner indicated that claim 14 deals with an independent invention since it defines a fuel cell device, comprising a fuel cell unit formed so as to provide an operation for supplying heat, in contrast to claim 1, claim fuel cell device. It is believed that this is incorrect. Originally claim 11 claimed the fuel cell device as defined in claim 1, wherein the fuel cell unit is formed so as to provide an operation for supplying heat. Claim 15 therefore can not be independent from the invention claimed by original claims.

With the present communication applicants have amended claim 1 by including into it the features of claims 6 and 7. In his rejection of claim 7 the Examiner indicates that the features of this claim can be considered as obvious over the patents to Yi and Hirschenhofer. In the Examiner's opinion the Hirschenhofer patent disclosed a variety of fuel cells requiring noble metal electrocatalysts to achieve practical reaction rates. Hirschenhofer however does not disclose any different quantities of

the catalytic coating. It is therefore believed that there is no reason to suggest that claim 11 should be considered as obvious in view of the Hirschenhofer and Yi.

Applicant has also added claim 16 which combines the features of the original claims 1, 8 and 9 and defines that the pressure generating unit including high pressure and low pressure generating elements that generate pressure to the same fluid.

Original claim 9 was rejected in view of the patent to Yi, which describes a fuel system comprising two separate pressure generating units, generating a pressure to different fluids. It is believed that claim 16 should also be considered as patentably distinguishing over the art and should also be allowed.

As for the rejections of the dependent claims, these claims depend on claim 1, they share its presumably allowable features, and it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

/ Michael J. Striker /

Michael J. Striker
Attorney for Applicant
Reg. No. 27233